IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.965 OF 2003
IN
SUMMARY SUIT NO.1936 OF 2003

Hutchison Max Telecom Pvt.Ltd. ....Plaintiff

V/s.

Siticable Network Ltd. ....Defendants

Ms.Padmaja Dholkia i/b Dholkia Gupte & Co. for the Plaintiff.

None for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 8TH JUNE, 2005.

P.C. :

1. The suit is filed to recover the amounts due in respect of mobile telephone facility granted by the Plaintiff to the Defendants. The facilities were granted to the Defendants' employees at the request and on the application of the Defendants. The said application expressly stated that the bills will be settled by the Defendant Company. The fact that the facility was availed of is admitted.

2. Ms.Dholkia, the learned counsel appearing on

behalf of the Plaintiffs fairly states that she has been served a copy of the affidavit in reply. However, the same is not filed in Court. In any event the defence taken in the affidavit in reply is that the Defendant is absolved of its liability to pay the amounts merely because its employees subsequently left their services. This is not a valid defence.

3. The Plaintiff has filed a compilation of the original documents. The same is taken on record and marked Exhibit "A" collectively.

4. There is no affidavit in reply. There is no defence to the suit.

5. In the circumstances, the Summons for Judgment is made absolute and the suit is decreed as prayed.

. Refund as per rules.

. For the purpose of refund of the court fees, the Prothonotary and Senior Master to act on an authenticated copy of this order.